



## Town Of Durham

630 Hallowell Road  
Durham, Maine 04222

*Incorporated 1789*

[www.durhammaine.gov](http://www.durhammaine.gov)

Tel: 207-353-2561

Fax: 207-353-5367

### EXPANSION OF NONCONFORMING USES & STRUCTURES MINOR POLICY CHANGE

#### Summary

The regulations dealing with nonconforming use and structure expansions will be overhauled to make them more in line with the pattern of development and the issues faced in Durham. The proposed changes will simplify the process for property owners and eliminate confusion in the current regulations.

#### Current vs. Proposed Expansion of Nonconforming Uses & Structures

Aspect	Current	Proposed
Expansion of Residential Uses	30% limit with conditional use review by Planning Board, unlimited expansion with Board of Appeals review of groundwater impacts.	Expansion allowed with Code Officer review of no increase in nonconformity.
Expansion of Residential Structures	Expansion allowed with Code Officer review of no increase in nonconformity & Planning Board approval of foundation location.	Expansion allowed with Code Officer review of no increase in nonconformity.
Expansion of Nonresidential Uses	Absolute prohibition.	Allowed with Board of Appeals review of no greater adverse effects on neighborhood.
Expansion of Nonresidential Structures	Absolute prohibition.	Allowed with Planning Board review of no increase in nonconformity.

#### Why the Change?

Nonconforming uses are ones that are not allowed under current zoning. Durham has very few nonconforming uses since nonresidential uses are allowed as a conditional use with Planning Board review in all districts. Similarly, nonconforming structures are ones that don't meet current spatial standards such as setbacks from property lines. The current regulations governing expansions of such uses and structures were copied from more densely developed communities with separate residential and commercial zoning districts

where nonconformity is much more prevalent. The proposed changes will tailor the regulations to Durham's more rural setting and land use patterns.

**We want to hear from you!**

Do you support the proposed changes to the rules for expanding nonconforming uses and structures? Do you have concerns about them? Please share your thoughts with the Planning Board during the public participation process. You can submit written comments to the Town Planner for circulation to the Board by emailing [townplanner@durhammaine.gov](mailto:townplanner@durhammaine.gov).